

## **REMARKS**

The Office Action mailed April 27, 2006, has been carefully considered. In response thereto, the present application is considered to be in condition for allowance. Accordingly, reconsideration and withdrawal of the Office Action and issuance of a Notice of Allowance are respectfully solicited in view of the following remarks.

Claims 1-31 have been rejected under 35 U.S.C. § 103(a) over *Hall et al* in view of *Kuykendall*. Since that ground of rejection relies on *Elliott* to overcome a deficiency in the combination of *Hall et al* and *Kuykendall*, the Applicant will treat the rejection as having been made over *Hall et al* in view of *Kuykendall* and of *Elliott*. Also, claims 1-31 have been rejected under 35 U.S.C. § 102(e) over *Elliott*. For the reasons set forth below, the Applicant respectfully traverses both grounds of rejection.

Both grounds of rejection rely on *Elliott* for teaching of the step of queuing the vehicle at the pick up location in accordance with the tag identification number. However, *Elliott* does not actually teach or suggest that step. Instead, *Elliott* teaches a single drive-through lane 308. Thus, the queuing takes place independently of the tag identification number, and queuing in accordance with the tag identification number would be meaningless.

None of the applied references teaches or suggests a step of queuing the vehicle at the pick up location in accordance with the tag identification number. That features offers advantages over the prior art in that it accommodates vehicles with pre-orders as well as vehicles with AVI tags that have not pre-ordered, and can direct AVI-equipped vehicles around long order and payment queues. That limitation is not found in the references, either singly or combined, nor is this type of system in use, even at present, but could be a good way to speed up orders,

more capable than the applied references singly or combined, yet much simpler than *Hall et al.*

Therefore, the Applicant respectfully submits that the present claimed invention is not anticipated by any of the applied references and would not have been obvious over any combination of the applied references.

For the reasons set forth above, the Applicant respectfully submits that the application is in condition for allowance. Notice of such allowance is respectfully solicited.

If there remain any questions which can be solved most easily through a telephone communication, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any shortage of fees, or credit any overpayment thereof, to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00209). In the event that a petition for an extension of time is required to be submitted herewith or in the patent application and in the event that a separate petition does not accompany this Response or is insufficient to render this Response timely, the Applicants hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By: 

David J. Edmondson  
Reg. No. 35,126

BLANK ROME LLP  
Watergate 600, 11<sup>th</sup> Floor  
600 New Hampshire Ave., N.W.  
Washington, D.C. 20037-2485  
202-772-5837 direct dial  
202-772-5800 receptionist  
202-572-1438 direct facsimile  
202-772-5858 general office facsimile